



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,082	12/06/2001	Linden Minnick	42390P12249	3183

8791 7590 03/09/2006

BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES, CA 90025-1030

EXAMINER
----------

MADAMBA, GLENFORD J

ART UNIT	PAPER NUMBER
----------	--------------

2151

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/007,082	<b>Applicant(s)</b> MINNICK ET AL.	
	<b>Examiner</b> Glenford Madamba	<b>Art Unit</b> 2151	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 11, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Lefe et al, U.S. Patent US 6,449,658.

1. As per Claims 1, 11, and 25, Khanna discloses an apparatus comprising:

An input/output device (NIC\_116) [Fig. 1] being operative to:

receive a fragment of electronic data (270) [Fig. 2] [col 5, line 57 – col 6, line 1];

examine the fragment of electronic data [col 2, line 61 – col 3, line 2] [ col 3, lines 20-45]; and

Art Unit: 2151

if the fragment of electronic data comprises latency-sensitive data [col 6, lines 37-54], the I/O device further being operative to moderate one or more interrupts of an associated computing platform processor [col 1, line 65 – col 2, line 12] [col 3, lines 3-20] [col 4, lines 40-67] [col 5, lines 16-26] [col 6, line 17 – col 7, line 15] [*col 8, line 45 – col 9, line 2 (Claim 1)*] .

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 11 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson, U.S. Patent 5,905,874.

3. Claim 1 discloses an apparatus comprising:

an input/output (I/O) device **210** [Figs. 2 & 3] being operative to:

receive a fragment of electronic data [Col 2, Lines 27-42],

examine the fragment of electronic data [Col 2, Lines 27-42]; and

if the fragment of electronic data comprises latency-sensitive data, the I/O device [Col 2, Lines 27-42] [Col 3, Lines 33-41 & Col 4, Lines 13-22] further being operative to moderate one or more interrupts of an associated computing platform processor [Col 2, Lines 48-51].

Claims 11 and 20 state the same limitations as Claim 1 above, and are rejected for the same reasons as they differ only by their statutory category.

4. Claim 3 recites the apparatus of claim 1, wherein said I/O device comprises a network interface card (NIC) **210** [Col 2, lines 13-26; Col 3, lines 15-32; Figure 2 and 3].

5. Claim 5 stipulates the apparatus of claim 1, wherein said I/O device is configured to moderate by substantially immediately asserting said one or more interrupts of said associated computing platform processor [Col 2, lines 48-51 & Col 7, lines 52-56].

Claims 14 and 23 state the same limitations as Claim 2 above, and are rejected for the same reasons as they differ only by their statutory category.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2151

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 4, 12, 13, 21, 22 are rejected under 35 U.S.C 103(a) as being unpatentable over Johnson in view of Drottter et al (hereinafter Drottter), Patent Number 6,333,929.

3. Claim 2 asserts the apparatus of claim 1, wherein the latency-sensitive data comprises an acknowledgement (ACK).

Johnson teaches in his invention that data is typically transferred across network segments in the form of packets or frames. Further, the data transferred and written into the buffer of an I/O device, such as a network interface device (NIC), *are written in blocks of data that are in the form of packets or portions of packets* (fragments) [Col 2, Lines 27-42]. Johnson does not disclose that the portion of said contents of said fragment of data specifically comprises an acknowledgement (ACK).

Drottter, in his invention for formatting and transmitting network packets over a distributed computer system, discloses a packet format that includes a transaction header **640** and a media access control (MAC) header **650** [Col 3, lines 6-9; also Col 11, lines 16-19; Figure 6]. As can be seen in the format for data packets with a MAC

Art Unit: 2151

header, the header format includes a field for an ACK/NAK identification and processing [Col 13, lines 1-7; also see Col 10, lines 59-67].

It would therefore be obvious to one ordinarily skilled in the art at the time of the invention to include the packet formatting features employed by Drottar's invention into Johnson's for the motivation of improving packet switching speed and processing efficiency in the transmission of data [Col 16, lines 1-12].

Claims 12 and 21 state the same limitations as Claim 2 above, and are rejected for the same reasons as they differ only by their statutory category.

4. Claim 4 discloses the apparatus of claim 1, wherein the latency-sensitive data comprises one or more data packets that have a priority designation [Drottar, Col 2, lines 31-33; also Col 16, lines 1-12 & 25-39].

Johnson teaches in his invention that data is typically transferred across network segments in the form of packets or frames. Further, the data transferred and written into the buffer of an I/O device, such as a network interface device (NIC), *are written in blocks of data that are in the form of packets or portions of packets* (fragments) [Col 2, Lines 27-42]. Johnson does not disclose that the portion of said contents of said fragment of data specifically comprises an acknowledgement (ACK).

Drottar, in his invention for formatting and transmitting network packets over a distributed computer system, discloses a packet format that includes a transaction header **640** and a media access control (MAC) header **650** [Col 3, lines 6-9; also Col 11, lines 16-19; Figure 6]. Drottar expressly teaches that the packet headers (MAC Header\_650) are comprising a *priority field*, a version field and an address field [Drottar, Col 2, lines 31-33; also Col 16, lines 1-12 & 25-39].

It would therefore be obvious to one ordinarily skilled in the art at the time of the invention to include the packet formatting feature of a field designating prioritization of packets transmitted or received, as disclosed by Drottar, into Johnson's for the motivation of improving packet switching speed and processing efficiency in the transmission of data [Col 16, lines 1-12].

Claims 13 and 22 state the same limitations as Claim 4 above, and are rejected for the same reasons as they differ only by their statutory category.

5. Claims 6-10, 15-19, 24-28 are rejected under 35 U.S.C 103(a) as being unpatentable over Johnson in view of Gentry Jr., Patent Number 6,434,651.

6. Claim 6 points to the apparatus of claim 1, wherein said I/O device is configured to moderate by deferring said one or more interrupts of said associated computing



Art Unit: 2151

platform processor so that a predetermined number of interrupts per unit of time is not exceeded.

For his invention, Johnson discloses a computer system that includes a host processor, memory, an interface bus and a network interface device (NIC) for communicating with a network [Col 3, lines 16-20]. The NIC informs the host processor that a block of data was received and that a DMA transfer of data has been performed into the computer memory, via an interrupt [Col 2, Lines 40-51]. Johnson does not disclose that the network interface device is configured to moderate by deferring one or more interrupts of the host processor so that a predetermined number of interrupts per unit of time is not exceeded.

Gentry, Jr., in his invention for modulating or suppressing the issuance of interrupts from a communication device such as a NIC [Col 1, lines 6-10], discloses an apparatus whereby interrupts normally generated when packets are received by a NIC and transferred to a host processor are alternately enabled and disabled. In particular, after one interrupt is issued to and serviced by a host processor, another interrupt is not generated until a *predetermined period of time* has passed for a specified amount of network traffic has been sent to the host computer system. [Gentry Jr., Col 7, lines 37-47 & 51-56; also Col 8, lines 1-11 & 39-67]

It would therefore be obvious to one ordinarily skilled in the art at the time of the invention to incorporate the interrupt suppression features in Gentry Jr.'s invention into Johnson's so that a host processor can be more responsive to other tasks (e.g. user activity) and to decrease the amount of processor time used to process network traffic, by modulating the number of network interrupts generated by a network interface device [Gentry Jr., Col 7, lines 29-36].

7. Claim 7 states the apparatus of claim 1, wherein said I/O device is configured to moderate by deferring said one or more interrupts until a particular number of fragments of electronic data of a particular type are received by said I/O device [Gentry Jr., Col 7, lines 19-36, 47-56, & 63-67; Col 8, lines 1-11 and 39-67].

Claims 16 and 25 state the same limitations as Claim 1 above, and are rejected for the same reasons as they differ only by their statutory category.

8. Claim 8 cites the apparatus of claim 1, wherein said I/O device is configured to moderate by deferring said one or more interrupts until a particular quantity of electronic data is received [Gentry Jr., Col 7, lines 47-56, & 63-67; Col 8, lines 1-11].

Claims 17 and 26 state the same limitations as Claim 1 above, and are rejected for the same reasons as they differ only by their statutory category.

Art Unit: 2151

9. Claim 9 states the apparatus of claim 1, wherein said moderation of associated computing platform interrupt scheme is configurable through a user interface [Gentry Jr., Col 7, lines 51-56; Col 8, lines 3-11].

Claims 18 and 27 state the same limitations as Claim 1 above, and are rejected for the same reasons as they differ only by their statutory category.

10. Claim 10 identifies the apparatus of claim 1, and further comprising: said I/O device further being operative to measure a particular period of time after the receipt of a fragment of electronic data, and further being operative to moderate one or more interrupts of an associated computing platform after said particular period of time has elapsed [Gentry Jr., Col 7, lines 37-47 & 51-56; also Col 8, lines 39-67].

Claims 19 and 28 state the same limitations as Claim 1 above, and are rejected for the same reasons as they differ only by their statutory category.

11. Claim 15 identifies the method of claim 11, wherein said moderating comprises deferring said one or more interrupts of said associated computing platform processor if a predetermined number of interrupts per unit time is met or exceeded [Gentry Jr., Col 7, lines 37-47 & 51-56; also Col 8, lines 39-67].

Art Unit: 2151

12. Claim 24 states the article of claim 20, wherein said moderating comprises deferring said interrupting of said associated computing platform processor [Gentry Jr., Col 1, Lines 5-10; Figure 1; also Col 7, lines 10-18].

### ***Conclusion***

1. The Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Reid Patent No.: US 6115775  
*Network and Adaptor with Time-Based and Packet Number Based Interrupt Combinations*
- Stevens Patent No.: US 6338111 B1  
*Method and Apparatus for Reducing Interrupts*
- Klein et al Patent No.: US 5943479

Art Unit: 2151

*Method and System for Global Communications Network Management*

- Gentry et al Patent No.: US 55659758  
*Interrupt Modular for Receiving Bursty- High Speed Network Traffic*

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenford Madamba whose telephone number is 571-272-7989. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3932. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**ZARNI MAUNG**  
SUPERVISORY PATENT EXAMINER

Glenford Madamba  
Examiner  
Art Unit 2151